

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DIANNA BAKER GRIFFIN,

Plaintiff,

v.

CIVIL ACTION NO. 1:04-0335

VANESSA D. ADAMS, Warden,
FPC Alderson,

Defendant.

MEMORANDUM OPINION

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on October 26, 2004, in which he recommended that the District Court dismiss plaintiff's application with prejudice and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C.A. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). On November 5, 2004,

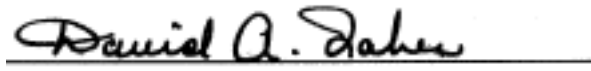
plaintiff filed objections to the Magistrate Judge's Findings and Recommendation.

In her application, plaintiff contends that she is entitled to a one-year reduction in her sentence and that she should be released from custody in April of 2005. The court notes that dismissal of plaintiff's application as moot is appropriate because plaintiff has already completed her term of incarceration and was released on April 14, 2006. See Spencer v. Kemna, 523 U.S. 1, 7 (1998); Lopez v. Federal Bureau of Prisons, 2006 WL 219607, *1 (D. Puerto Rico 2006). Accordingly, because no case or controversy presently exists in this case, the court hereby **DISMISSES** plaintiff's application as moot and directs the Clerk to remove this case from the court's active docket. A judgment order consistent with this opinion will be filed this day.

The Clerk is directed to forward a copy of this Memorandum Opinion to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 12th day of June, 2006.

ENTER:


David A. Faber
Chief Judge